

Code of Ethics for Appointed Board and Committee Members of the Town of North Topsail Beach, North Carolina

North Carolina General Statute §160A-86 requires local governing boards to adopt a code of ethics. The Town of North Topsail Beach elected officials have previously adopted a Code of Ethics for the Mayor and Board of Aldermen Members. The Town Board of Aldermen has determined that it is also appropriate for appointed members of Town Boards and Committees (hereinafter collectively referred to as "Board Members") to adhere to a locally adopted policy of Code of Ethics.

In recognition of the privilege and expectations to serve in an advisory capacity and in a quasi-judicial capacity to the Town of North Topsail Beach and the Town's Board of Aldermen, and in acting pursuant to the requirements of North Carolina General Statute §160A-86, the below principals are written to help guide Board Members in their advisor and decision-making roles.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

Board Members must be able to act in a manner that maintains their integrity and independence yet are responsive to the interests and needs of the North Topsail Beach Board of Aldermen.

Board Members must always remain aware that they may, at various times, play different roles:

- As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions.
- As decision-makers, who arrive at fair and impartial determinations.
- Board Members must know how to distinguish between the advisor and the decision maker role, to determine when each role is appropriate, and to act accordingly.
- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and Town Board of Aldermen and the citizens of North Topsail Beach.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board and Committee Members and to help determine what conduct is appropriate in particular cases. It should not be considered as a substitute for the law or for a member's best judgment.

Section 1. Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board Members or citizens. However, in doing so, Board Members:

- shall be mindful that they were appointed by Board of Aldermen to a Board or Committee and, therefore, if they are advising or advocating a position that is contrary to a Board of Aldermen policy, that they notify the Mayor, Town Board of Aldermen, and Town Manager of such as soon as practicable;
- who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Town Board of Aldermen, rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Board of Aldermen policy;
- shall understand that they hold a position of trust on behalf of the Town, the Board of Aldermen, and its citizens; and
- shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are authorized to speak for the body only to Town Board of Aldermen and not to other and/or the public at large

Section 2. Board Members shall act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include, but are not limited to, the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves and refrain from reaching decisions until all sides have been heard

- Treating other Board Members, the Board of Aldermen, and the public with respect and honoring the opinions of others even when the Board Member disagrees with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices, the Town, or the Town's Board of Aldermen
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act or speak on behalf of the entire Board, Committee, or the Town and may only do so if specifically authorized by the Town Board of Aldermen

Section 3.a. Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Town Board of Aldermen will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b. If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the Town Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the Town Attorney).

Section 4. Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

- Board Members should meet attendance expectations and be prepared for all meetings.
- Board Members should be willing to bear their fair share of the body's workload. Board Members should be willing to put the Town's interests ahead of their own.

Section 5. Board Members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records including committee documents, reports, and minutes belong to the public and not to them or Town employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Town Board of Aldermen have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit.

Sanctions. Following the review of an allegation against a Board Member that said Board Member has violated this ethics/code of conduct policy, the Town Board of Aldermen may

choose to remove a member if the Board of Aldermen determines, by way of a majority vote, that a Board Member has violated this policy, is within the Board of Aldermen's sole discretion.

Removal. Unless otherwise prohibited by law, the Town's Board of Aldermen has sole discretion to remove any Board Member without cause by a two-thirds affirmative vote in favor of removal.